



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502
FRIDAY, DECEMBER 6, 2002
and
SATURDAY, DECEMBER 7, 2002

FRIDAY, DECEMBER 6, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D., Secretary-Treasurer
Joel N. Lubritz, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Stephen K. Montoya, M.D.

MEMBER ABSENT:

Sohail U. Anjum, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney
General
John B. Lanzillotta, P.A.-C, Physician Assistant Advisory
Committee Member
Brian S. Lauf, P.A.-C, Physician Assistant Advisory
Committee Member
Donald W. Wright, R.R.T., Practitioner of Respiratory Care
Advisory Committee Member
Keith E. Lee, J.D., Legislative Counsel

AGENDA ITEM 1

Call to Order - Cheryl A. Hug-English, M.D., President

The meeting was called to order by Cheryl A. Hug-English, M.D., President, at 3:15 p.m.

Mr. Lessly introduced Keith E. Lee, J.D., the board's new Legislative Counsel for the 2003 Legislative Session, to members. He also introduced two new staff members to the board: Michael L. Huse, Investigator, and Kasey M. Miller, a temporary employee of the board who is proposed later in the agenda for full-time employment.

AGENDA ITEM 2

Approval of Minutes

- September 6 & 7, 2002 Board Meeting - Open/Executive Sessions
- October 3, 2002 Board Meeting - Open Session
- November 21, 2002 Emergency Telephone Conference Call Board Meeting - Open Session

Dr. Titus moved to accept the minutes of the September 6 & 7, 2002 Board Meeting - Open/Executive Sessions, October 3, 2002 Board Meeting - Open Session, and November 21, 2002 Emergency Telephone Conference Call Board Meeting - Open Session. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3

Consideration of Amendments to Nevada Administrative Code Chapter 630

- Amendment to NAC 630.080(4)(b), *"For the purposes of subparagraph (3) of paragraph (c) of*

subsection 2 of NRS 630.160, a person must pass Steps I, II and III of the United States Medical

Licensing Examination within 7 years after the date on which the person first took Step I of the

United States Medical Licensing Examination," for applicants holding M.D./Ph.D. degrees

- Amendment to:

NAC 630.290, *"Application for licensure."*

NAC 630.330, *"Contents of license."*

NAC 630.340, *"Period of validity of license; initiation and termination of supervision; disciplinary action; refusal to license."*

NAC 630.370, *"Supervising physician: Duties."*

NAC 630.380, *"Disciplinary action: Grounds; institution; exception."*

NAC 630.490, *"Collaboration with advanced practitioner of nursing."*

- Revocation of NAC 630.370(6), *"A physician may not supervise a physician assistant unless the physician has been approved by the board and has paid the applicable fee"*

- Revocation of NAC 630.490(8), *"No person may act as a collaborating physician unless he has been approved by the board and has paid the required fee"*

Mr. Legarza reviewed for members the *Revised Draft After Hearings and Input* of the proposed amendments to NAC chapter 630. Discussion ensued.

Debra Scott, M.S., R.N., A.P.N., Executive Director of the Nevada State Board of Nursing appeared before the board and distributed to members copies of a letter from the Nevada State Board of Nursing. Dr. Hug-English read the letter into the record:
November 25, 2002

*Cheryl A. Hug-English, M.D., President
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301
Reno, Nevada 89502*

Dear Dr. Hug-English:

We appreciate this opportunity to submit comments regarding the revised proposed regulations of the Nevada State Board of Medical Examiners, which will be discussed during the Public Hearing on December 6, 2002.

Based on our November 19, 2002 discussion with BOME Executive Director Larry Lessly and General Counsel Dick Legarza, we support the revised proposed regulations, section 6: NAC 630.490(2) and (4), regarding the collaborative relationship between physicians and advanced practitioners of nursing.

We appreciate the way the BOME staff worked with us to resolve our concerns regarding fair treatment of APNs who have been disciplined by the Nevada State Board of Nursing. We believe the regulations as revised will strengthen public protection without imposing undue hardship upon those who play such a vital role in the safe and effective delivery of health care to Nevadans.

Sincerely,

*Debra Scott, MS, RN, APN
Executive Director
Nevada State Board of Nursing*

*c: Larry Lessly, JD
Executive Director
Nevada State Board of Medical Examiners*

Dr. Stewart moved to adopt the proposed amendments to NAC chapter 630 per the *Revised Draft After Hearings and Input* as presented by Mr. Legarza. Dr. Baeppler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 4

Consideration of Rescinding Fee for Supervising/Collaborating Physician Approval for Fiscal Year 2003-2005

Mr. Lessly recommended that since the board approved the revocation of NAC 630.370(6), "*A physician may not supervise a physician assistant unless the physician has been approved by the board and has paid the applicable fee,*" it consider rescinding the fee for supervising/collaborating physician approval for fiscal year 2003-2005.

Dr. Stewart moved to rescind the fee for supervising/collaborating physician approval for fiscal year 2003-2005. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 4

Executive Staff Reports

- Larry D. Lessly, J.D., Executive Director
- Maureen E. Lyons, Deputy Executive Director
- Consideration of Biennial Registration Fees for Board Licensees for Fiscal Year 2003 - 2005
- Consideration of Request for Staff Attendance at Educational Meetings
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's
Public Service Announcement Program for January 1 through March 31, 2003
- Consideration of Approval of Fee for On-Line Licensure Verification via the Board's Website
www.state.nv.us/medical/ or www.medboard.nv.gov
- Consideration of Approval of Revised Physician and Physician Assistant *Application for Registration*
Renewal Forms for the 2003-2005 Biennium
- Consideration of Approval of Revised *Organizational and Operational Charts, Personnel Policies,*
and Officer, Committee and Job Descriptions Manual
- Consideration of Approval of Purchase of Printer and Software to Produce Plastic Wallet I.D. Cards
- Consideration of Approval of Proposal from System Automation Corporation to Upgrade Computer
Licensing Program (License 2000)
- Discussion of Managed Care Medical Directors' Compliance with NRS 695G.110
- Consideration of Federation of State Medical Boards of the United States, Inc.'s:
 - Call for Candidate Nominations, Committee Appointment Recommendations, and Resolutions for 2003 Annual Meeting of the House of Delegates
 - Call for Nominations for Awards to be Awarded at 2003 Annual Meeting
- Informational Items

- Consideration of Biennial Registration Fees for Board Licensees for Fiscal Year 2003- 2005

Mr. Lessly reminded members that at the board's September 2002 meeting, he had mentioned that he might make a recommendation at the December meeting to change the physician biennial registration fee for fiscal year 2003-2005. He gave a brief history of the physician biennial registration fee, stating that the board's plan to build up a two-year operational reserve to cover any potential judgments and attorney costs and to create an investment income that would avoid a consistent increase in physician registration fees each biennium has come to fruition. He referred members to the distributed Balance Sheet as of June 30, 2003 and Profit & Loss Budget vs. Actual for July 2002 through June 2003 and indicated the board's current funds in reserve.

Mr. Lessly recommended that the board consider invading its current funds in reserve to cover operational expenses for the next biennium and a proposed reduction in the physician biennial registration fee for fiscal year 2003-2005. He recommended that the board consider reducing the physician biennial registration fee from \$600.00 to \$400.00, and advised that he has spoken with the board's President, Vice President and Secretary-Treasurer who all support this recommendation.

Dr. Stewart stated that he is in agreement with Mr. Lessly on all accounts. He gave a brief history of the board's budget, stating that with staff's proper management the board has been able to afford excellent staffing and public awareness, and has been able to keep very progressive with the computer age and its study of post-licensure continuing competency evaluation.

Dr. Baepler gave a brief history of the progression of the board during his four years as a member. He stated that the board's current reserve has now reached the level that the Federation of State Medical Boards of the United States, Inc. sets as the standard for medical boards. He mentioned that the board may consider at some time in the future placing funds in a trust to eventually purchase a building from which it could operate, thereby further reducing costs and necessity for fee increases.

Dr. Hug-English stated that she feels the board has reached the goal it set for its reserve and that it is timely to now reduce the fees for its physicians, as recommended by Mr. Lessly.

Dr. Stewart moved to reduce the board's biennial registration fee for physician licensees from \$600.00 to \$400.00 for the 2003-2005 biennium. Dr. Montoya seconded the motion.

Dr. Lubritz moved to make an addendum to the motion that all other fees remain the same at this time. Mrs. Kirch seconded the amended motion, and the motion passed, with the Chair voting in favor of the motion.

AGENDA ITEM 6

Personnel

- **Closed Session** to Discuss Professional Competency of:
 - Carolyn H. Castleman, License Specialist
 - Kasey M. Miller
 - Helena J. Teeples, Administrative Assistant

Dr. Jones moved to go into Closed Session to discuss the professional competency of board staff. Dr. Lubritz seconded the motion, and it passed unanimously.

- **Open Session**
 - Consideration of Salary Adjustment for:
 - Carolyn H. Castleman, License Specialist
 - Helena J. Teeples, Administrative Assistant
 - Consideration of Adding *Administrative Assistant to the Executive Director* position to Staff
 - Consideration of Salary for *Administrative Assistant to the Executive Director* position

Upon returning to Open Session, Mr. Lessly requested a five percent increase in salary for Ms. Castleman to \$31,500.00 annually, which is a standard increase for a License Specialist after six months on the job, to be effective retroactively to December 1, 2002.

Dr. Jones moved to approve the annual salary increase for Ms. Castleman per Mr. Lessly's request. Mrs. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly advised that Mrs. Teeples will begin understudy with Mr. Frantz of his bookkeeping duties on January 1, 2003. He requested approval for an increase in salary for Mrs. Teeples from \$28,500.00 to \$30,000.00 annually, effective January 1, 2003.

Dr. Montoya moved to approve the annual salary increase for Mrs. Teeples per Mr. Lessly's request. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly requested board approval to reassign some administrative

assistant responsibilities and add an Administrative Assistant to the Executive Director position to board staff to take on the reassigned responsibilities. He also requested approval to hire Kasey M. Miller for the position at a starting annual salary of \$30,000.00.

Dr. Lubritz moved to approve the addition to staff of the Administrative Assistant to the Executive Director position and to hire Mrs. Miller for the position at an annual salary of \$30,000.00, per Mr. Lessly's requests. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 4 (CONTINUED)

Executive Staff Reports - Larry D. Lessly, J.D., Executive Director

Maureen E. Lyons, Deputy Executive Director

- Consideration of Biennial Registration Fees for Board Licensees for Fiscal Year 2003 - 2005
- Consideration of Request for Staff Attendance at Educational Meetings
- Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's

Public Service Announcement Program for January 1 through March 31, 2003

- Consideration of Approval of Fee for On-Line Licensure Verification via the Board's Website

www.state.nv.us/medical/ or www.medboard.nv.gov

- Consideration of Approval of Revised Physician and Physician Assistant *Application for Registration*

Renewal Forms for the 2003-2005 Biennium

- Consideration of Approval of Revised *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual*
- Consideration of Approval of Purchase of Printer and Software to Produce Plastic Wallet I.D. Cards
- Consideration of Approval of Proposal from System Automation Corporation to Upgrade Computer

Licensing Program (License 2000)

- Discussion of Managed Care Medical Directors' Compliance with NRS 695G.110
- Consideration of Federation of State Medical Boards of the United States, Inc.'s:
 - Call for Candidate Nominations, Committee Appointment Recommendations, and Resolutions for 2003 Annual Meeting of the House of Delegates
 - Call for Nominations for Awards to be Awarded at 2003 Annual Meeting
- Informational Items

- Informational Items

Mr. Lessly informed the board that legislation may be introduced at the upcoming Legislative Session requiring the board to obtain fingerprints from applicants for licensure. Discussion ensued.

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Lessly requested that the board designate Mrs. Lyons as the Executive Director “voting delegate” for the 2003 Federation of State Medical Boards of the United States, Inc.’s annual meeting.

Dr. Titus moved to designate Mrs. Lyons as the Executive Director “voting delegate” for the 2003 Federation of State Medical Boards of the United States, Inc.’s annual meeting. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly asked whether any member would be interested in attending the Federation of State Medical Boards of the United States, Inc.’s workshop on opioid addiction treatment to be held in Dallas, Texas in February, 2003. Mrs. Jones indicated that she would like to attend the workshop. Mr. Lessly requested that a member of the board’s investigative staff be authorized to attend the workshop. By consensus of the board, Mrs. Jones and an investigative staff member were authorized to attend the workshop.

- Consideration of Continuation of Contract with Nevada Broadcaster’s Association for the Board’s Public Service Announcement Program for January 1 through March 31, 2003

Mr. Lessly advised that the board has spent about \$250,000.00 during the past few years on its public service announcement program. He recommended that the board continue its contract with the Nevada Broadcaster’s Association through March 31, 2003. He advised that the association will create some new public service announcements for the board to consider for use in 2003. He added that these new spots will be generated at no additional cost to the board.

Dr. Jones moved to continue the board’s contract with Nevada Broadcaster’s Association for the period January 1 through March 31, 2003, at a cost of \$5,000.00 per month. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of Fee for On-Line Licensure Verification via the Board’s Website www.state.nv.us/medical/ or www.medboard.nv.gov

Mr. Lessly requested board approval to charge a \$100.00 monthly fee to commercial entities wishing to verify licensure on-line via the board’s website. Discussion ensued.

Dr. Titus moved to approve the \$100.00 monthly fee as requested by Mr. Lessly. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of Revised Physician and Physician Assistant *Application for Registration Renewal Forms for the 2003-2005 Biennium*

Mr. Lessly requested the board's approval of the revised physician and physician assistant application for registration renewal forms for the 2003-2005 biennium as they appeared in the agenda book.

Dr. Titus moved to approve the forms. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of Revised *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual*

Mr. Lessly reviewed for members the revised board operational chart as it appeared in the agenda book.

Mrs. Kirch moved to approve the revised chart. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly reviewed for members the revised Executive Director/ Special Counsel job description and the new Administrative Assistant to the Executive Director and Financial Support Assistant job descriptions as they appeared in the agenda book.

Dr. Montoya moved to approve the revised Executive Director/ Special Counsel job description and the new Administrative Assistant to the Executive Director and Financial Support Assistant job descriptions. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of Purchase of Printer and Software to Produce Plastic Wallet I.D. Cards

Mrs. Lyons reminded members that at the board's September meeting, she was directed by the board to research the possibility of printing licensee wallet I.D. cards on plastic as a change from the paper wallet I.D. cards currently being issued to licensees. She presented, for the board's consideration, a proposal from Harry's Business Machines, a Reno based company, for the purchase of a DataCard printer and software which would interact with License 2000's database to produce plastic wallet I.D. cards. Discussion ensued.

Dr. Baepler moved to authorize the purchase of the printer and software per the proposal from Harry's Business Machines. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of Proposal from System Automation Corporation to Upgrade Computer Licensing Program (License 2000)

Mrs. Lyons stated that the newer version of the board's License 2000 software program is available for purchase from System Automation Corporation and requested the board's approval to upgrade to the new version. She reviewed for members the proposal from System Automation Corporation for the upgrade. She advised that the Nevada Department of Information Technology no longer supports the Sybase server database, which runs the current version of License 2000, but does support the Microsoft 2000 server database which runs the new version of License 2000. Discussion ensued.

Dr. Titus moved to authorize the purchase of the new version of License 2000 per the proposal from System Automation Corporation. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Discussion of Managed Care Medical Directors' Compliance with NRS 695G.110

Mr. Lessly referred members to the memorandum in the agenda book from Elizabeth A. Larragueta, Chief License Specialist, indicating that the Medical Directors of all Nevada HMO's are currently licensed by the board and in good standing. He advised that this data is presented for the board's information, only.

- Consideration of Federation of State Medical Boards of the United States, Inc.'s:**
- Call for Candidate Nominations, Committee Appointment Recommendations, and Resolutions for 2003 Annual Meeting of the House of Delegates
- Call for Nominations for Awards to be Awarded at 2003 Annual Meeting

There were no candidate nominations, committee appointment recommendations or resolutions suggested for the 2003 Annual Meeting of the House of Delegates of the Federation of State Medical Boards of the United States, Inc.

There were no nominations made for awards to be awarded at the Federation of State Medical Boards of the United States, Inc.'s annual meeting.

AGENDA ITEM 7

Consideration of Request by Medical Education Systems for Approval of Practitioner of Respiratory Care Continuing Education Programs, Per NAC 630.530(2)(b)

Mr. Wright advised members that the program as it is described in the agenda book appears to be very acceptable.

Dr. Lubritz moved to approve Medical Education Systems' request for approval of the practitioner of respiratory care continuing education programs, per NAC 630.530(2)(b). Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 8

Consideration of Request by Rodney G. Handsfield, M.D. to Remove All Restrictions on His License No. 5354 to Practice Medicine in the State of Nevada

Dr. Handsfield appeared before the board and advised that he has signed a contract to work with a Urology group in Indiana; however, the contract is contingent upon his completion of a fellowship program in Urology in Boston, Massachusetts. He advised that he is requesting that the board consider removing all restrictions from his Nevada medical license so that he may satisfy the medical board of Massachusetts' requirement that he hold unrestricted Nevada medical licensure prior to his being eligible for licensure to participate in the Urology fellowship program in Boston.

Dr. Hug-English stated her feeling that since the restrictions on his Nevada medical license require that his practice be proctored and Dr. Handsfield requests that the restrictions be removed so that he may participate in a proctored fellowship program, the board should consider granting his request. Dr. Stewart added that Dr. Handsfield has complied with all of the board's requests in the past and he feels Dr. Handsfield to be a fine example of a success story.

Dr. Stewart moved to remove all restrictions from Rodney G. Handsfield, M.D.'s license no. 5354 to practice medicine in the state of Nevada. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 9

Consideration of Imposing a Fee on Out-of-State Physicians Who Provide Medical Training Approved by the Board to Nevada Physicians on an Irregular Basis, Per NRS 630.047(1)(c)(2)

Mr. Lessly reviewed NRS 630.047(1)(c)(2) for members, stating that these requests for approval of medical training from out-of-state physicians create time-consuming processing for the board's staff. He recommended that the board consider imposing a fee on out-of-state physicians requesting such approval to compensate for staff time spent.

Discussion ensued, with Dr. Hug-English and Dr. Montoya stating their feelings that such training can be of great benefit to Nevada physicians and should be encouraged.

Dr. Lubritz suggested that requests of this kind be tracked during the next three to six months to see how many are received and how many of the requesting entities make repeat requests. He added that the board could reconsider the matter when the results of the tracking are available to the board for consideration. Mr. Lessly advised that he will track the requests and come back to the board with the results in approximately 6 months.

AGENDA ITEM 10

Reports

- Diversion Program: *Annual Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada

Health Professionals Assistance Foundation

- Consideration of Renewal of Board's Contract with the Nevada Health Professionals Assistance Foundation to Manage Board's Diversion Program Effective April 1, 2003
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C
- Practitioner of Respiratory Care Advisory Committee - Donald W. Wright, R.R.T.
- Investigative Committee - Paul A. Stewart, M.D., Chairperson
- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer
- Federation of Associated Regulatory Boards *Annual Meeting* - Richard J. Legarza, J.D., General Counsel
- Federation of State Medical Boards of the United States, Inc. 2002 Workshop *Medical Boards and the Impaired Physician* - Jacqueline C. Jones, Ed.D., Vice President
- Medem, e-Risk Conference - Larry D. Lessly, J.D., Executive Director
- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members: Donald H. Baepler, Ph.D., D.Sc.; Arne D. Rosencrantz; Paul A. Stewart, M.D.; and Stephen K. Montoya, M.D.

- **Diversion Program: *Annual Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation**
 - **Consideration of Renewal of Board's Contract with the Nevada Health Professionals Assistance Foundation to Manage Board's Diversion Program Effective April 1, 2003**

Ms. Bowers reviewed the previously distributed Diversion Program's Annual Report for members. She advised that the Nevada State Board of Osteopathic Medicine recently signed a contract with the foundation to run its Diversion Program and is paying the foundation \$9,999.00 for this service. She added that the foundation is financially sound and the board's Diversion Program has a total of 66 participants. She added that referrals to the program are still fewer than average, as they have been all year; however, she and Dr. Rueckl continue to work hard to remedy this situation.

Mr. Legarza advised that the board's contract with the Nevada Health Professionals Assistance Foundation to run its Diversion Program expires at the end of March 2003 and will be placed on the agenda of the board's March meeting for consideration for renewal.

- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C

Mr. Lanzillotta thanked the board, on behalf of the committee, for the excellent work performed in revising the regulations pertaining to physician assistants and their supervising physicians. He added that Nevada is the most progressive state with regard to laws governing physician assistants.

- Practitioner of Respiratory Care Advisory Committee - Donald W. Wright, R.R.T.

Mr. Wright requested the board's clarification of the difference between student and graduate practitioners of respiratory care.

Discussion ensued, with several board members stating that it was their understanding that student practitioners of respiratory care must have a preceptor at their side at all times while they are working.

Mr. Lessly suggested that Mr. Legarza be directed to research this matter and come back to the board with a proposed regulation or advisory opinion addressing the issue, whichever he should find to be appropriate. Dr. Hug-English directed Mr. Legarza to present either his advisory opinion or a proposed regulation addressing this issue at the board's March meeting.

Mr. Wright requested the board's clarification of the regulation pertaining to continuing education units required for registration renewal of a practitioner of respiratory care license.

Discussion ensued, with Dr. Hug-English directing Mr. Legarza to research the matter and come back to the board with an appropriate means by which the matter can be clarified by the board, as requested by Mr. Wright, at the board's March meeting.

Mr. Wright advised that practitioner of respiratory care licensees continue to be confused by the requirement that they continue to keep a Nevada blood/gas license, when the laws under which their blood/gas licensure is regulated are redundant with the laws under which they are regulated as practitioners of respiratory care.

Mr. Legarza advised Mr. Wright that the board has no jurisdiction in this matter and suggested that legal counsel be obtained.

- Investigative Committee - Paul A. Stewart, M.D., Chairperson

Dr. Stewart reported that the Investigative Committee met earlier in the day, filed about 5 formal complaints against board licensees and is up-to-date with all cases currently under investigation. He distributed the listing of the 107 cases recommended for closure by the committee for members' review and consideration for closure.

Dr. Hug-English thanked the committee members for their efforts, time spent and excellent work in completing the committee's duties.

- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer

Dr. Stewart stated that he had no report under this agenda item, as he had spoken on the board's budget and finances earlier in the meeting under Agenda Item 4.

- Federation of Associated Regulatory Boards *Annual Meeting* - Richard J. Legarza, J.D., General Counsel

Mr. Legarza stated that he recently attended the Federation of Associated Regulatory Boards' *Annual Meeting* and found it to be a generally disorganized event. He added that the only highlight of the meeting was the talk on post-licensure continuing competency evaluation.

- Federation of State Medical Boards of the United States, Inc. 2002 Workshop: *Medical Boards and the Impaired Physician* - Jaculine C. Jones, Ed.D., Vice President

Dr. Jones stated that she, Mrs. Kirch and Dr. Titus recently attended the Federation of State Medical Boards of the United States, Inc.'s Workshop: *Medical Boards and the Impaired Physician* held in Las Vegas. She advised that the workshop was very well presented. She stated that the workshop speakers all emphasized how important it is for boards and physician health programs to work together and how imperative it is that confidentiality of program participants is maintained.

- Medem, e-Risk Conference - Larry D. Lessly, J.D., Executive Director

Mr. Lessly stated that he recently attended Medem's e-Risk Conference on the practice of medicine via the Internet. He advised that the overall position is that physicians cannot prescribe medications via the Internet without first performing a hands-on examination of their patient. He added that he was very impressed by the conference and will plan on attending future conferences given by Medem.

- Committee to Study Post-Licensure Continuing Competency Evaluation - Committee Members: Donald H. Baepler, Ph.D., D.Sc.; Arne D. Rosencrantz; Paul A. Stewart, M.D.; and Stephen K. Montoya, M.D.

Dr. Baepler referred members to the draft proposed regulation, as it appeared in the agenda book, which requires that a licensee demonstrate continuing competency to practice medicine every ten years to be eligible for license renewal registration. Discussion ensued.

Members expressed their appreciation of the hard work that the committee has performed to date. Dr. Lubritz requested that he be appointed to sit on the committee.

Dr. Hug-English appointed Dr. Lubritz as a new member and Dr. Baepler, Chair, Dr. Stewart and Dr. Montoya as continuing members of the Committee to Study Post-Licensure Continuing Competency Evaluation.

- Investigative Committee - Paul A. Stewart, M.D., Chairperson (CONTINUED)

Dr. Titus moved to close the cases recommended for closure by the Investigative Committee. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 12

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the September 6 & 7, 2002 Board Meeting

Mrs. Kirch moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the September 6 & 7, 2002 board meeting. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 11

Legal Reports - Richard J. Legarza, J.D., General Counsel

- Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General

- Status of Alan J. Mishler, M.D. v. Nevada State Board of Medical Examiners - Larry D. Lessly, J.D., Executive Director
- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status

- Board Ordered Terms, Conditions and Probation Status

Mr. Legarza reported that all licensees currently on disciplinary probation with the board are in compliance.

- Board Litigation Status

Mr. Legarza advised he had nothing to report pertaining to any board litigation.

Mrs. Bible advised that she, also, had nothing to report pertaining to any board litigation. She distributed copies of a letter of invitation from Marybel Batjer, the Governor's Chief of Staff, to all board members to attend the Nevada Attorney General's Office's training and orientation program pertaining to the laws that apply to the board as an agency of the state of Nevada and a board member's position of public trust.

- Status of Alan J. Mishler, M.D. v. Nevada State Board of Medical Examiners - Larry D. Lessly, J.D., Executive Director

Mr. Lessly reported that in the matter of Alan J. Mishler, M.D. v. Nevada State Board of Medical Examiners, the board won on all counts in the remaining state claims in the civil case. He added that Dr. Mishler has now appealed a motion and the matter is back in the 9th Circuit Court of Appeals.

Mr. Lessly reported that Edoo Sowah, M.D. filed suit against the board over the validity of the board's seven-year requirement pertaining to the passage of the USMLE. A Motion for Summary Judgment has been filed in Carson City in the case by Steve Quinn, Deputy Attorney General.

RECESS

Dr. Hug-English recessed the meeting at 6:50 p.m.

SATURDAY, DECEMBER 7, 2002

MEMBERS PRESENT:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Paul A. Stewart, M.D., Secretary-Treasurer
Joel N. Lubritz, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Sohail U. Anjum, M.D.
Stephen K. Montoya, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Helena J. Teeple, Administrative Assistant

ALSO PRESENT:

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General
John B. Lanzillotta, P.A.-C, Physician Assistant Advisory Committee Member
Brian S. Lauf, P.A.-C, Physician Assistant Advisory Committee Member
Donald W. Wright, R.R.T., Practitioner of Respiratory Care Advisory Committee Member

Cheryl A. Hug-English, M.D., President, reconvened the meeting
at 8:30 a.m.

AGENDA ITEM 13

Consideration of Acceptance of Applications for Licensure, Change of Licensure Status and Supervising/Collaborating Physician Approval

Dr. Titus moved to go into Closed Session to discuss the character and professional competence of applicants for licensure, change of licensure status and supervising/collaborating physician approval. The motion was seconded by Mrs. Kirch, and it passed unanimously.

Closed Session

13 (a) Rafik Benaissa, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Titus moved to accept Rafik Benaissa, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (b) Thomas Brown, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Titus moved to accept Thomas Brown, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed, with Dr. Lubritz and Mrs. Jones opposing the motion, and the Chair voting in favor of the motion.

Dr. Hug-English advised Dr. Brown that he should consider the manner in which he has practiced medicine in the past and change his ways henceforth.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Dr. Anjum seconded the motion, and it passed unanimously.

13 (c) Rafael Cruz, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Stewart moved to accept Rafael Cruz, M.D.'s application for licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English advised Dr. Cruz that the board is concerned with the manner in which his application was completed and hopes that he will pay more attention to detail in similar future matters. Dr. Cruz advised that he has learned from his mistakes and will be more careful in the future.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (d) Marilyn Atkins, C.R.T. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Jones moved to accept Marilyn Atkins, C.R.T.'s application for licensure, with her licensure to be contingent upon her continued successful participation in the board's Diversion Program. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English congratulated Ms. Atkins for the improvement she has made since her last appearance before the board.

Dr. Anjum moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (e) James Dolezal, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Lubritz moved to accept James Dolezal, M.D.'s application for licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

13 (f) Karen Goodman, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Titus moved to accept Karen Goodman, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

13 (g) Sohair Ahmed, C.R.T. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Anjum moved to accept Sohair Ahmed, C.R.T.'s application for licensure. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

13 (h) Shirley Broomfield, C.R.T. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Titus moved to accept Shirley Broomfield, C.R.T.'s application for licensure. Dr. Lubritz seconded the motion, and it passed with Dr. Jones opposing the motion, and the Chair voting in favor of the motion.

Dr. Hug-English advised Ms. Broomfield that the board has given her a second chance by approving her application for licensure in the state of Nevada. She added that Ms. Broomfield should make sure that her past mistakes are not repeated in Nevada. Ms. Broomfield stated that she would not repeat her mistakes.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

13 (i) Derek Lauritzen, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Titus moved to accept Derek Lauritzen, M.D.'s application for licensure. Dr. Jones seconded the motion, and it passed with Dr. Lubritz absent for the vote, and the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

13 (k) Robert Rutledge, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Rutledge withdrew his application for licensure.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (j) Alfred Grimes, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Lubritz moved to accept Alfred Grimes, M.D.'s application for licensure, with his licensure to be contingent upon his successful participation in the board's Diversion Program. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Hug-English recessed the meeting at 12:30 p.m.

Dr. Hug-English reconvened the meeting at 1:00 p.m.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Anjum seconded the motion, and it passed unanimously.

13 (l) Stephen Krofchik, C.R.T. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Montoya moved to accept Stephen Krofchik, C.R.T.'s application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

13 (m) John Lees, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Montoya moved to accept John Lees, M.D.'s application for licensure, with his licensure to be contingent upon his successful participation in the board's Diversion Program. Mrs. Kirch seconded the motion, and it passed with Dr. Lubritz absent for the vote, and the Chair voting in favor of the motion.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (n) James Stevens, M.D. - Change of Licensure Status from Inactive to Active

Upon returning to Open Session, Dr. Jones moved to accept James Stevens, M.D.'s application for change of licensure status from inactive to active. Mrs. Kirch seconded the motion, and it passed with Dr. Lubritz absent for the vote, and the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed unanimously.

13 (o) William Walls, M.D. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Lubritz moved to accept William Walls, M.D.'s application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

13 (p) Richard Rigmaiden, M.D. - Change of Licensure Status from Inactive to Active

Upon returning to Open Session, Dr. Stewart moved to accept Richard Rigmaiden, M.D.'s application for change of licensure status from inactive to active, with the admonition that under no circumstances will he prescribe for any family member. Dr. Lubritz seconded the motion, and it passed with Dr. Lubritz absent for the vote, and the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

13 (q) Travia Minor, R.R.T. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Montoya moved to accept Travia Minor, R.R.T.'s application for licensure, with her licensure to be contingent upon her successful participation in the board's Diversion Program. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English advised Ms. Minor that her past history is of grave concern to the board, she must remain in the Diversion Program and not repeat her past mistakes.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

13 (r) Frank Sandigo, R.R.T. - Acceptance of Application for Licensure

Upon returning to Open Session, Dr. Baepler moved to accept Frank Sandigo, R.R.T.'s application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Discussion ensued, with Mrs. Kirch moving to reconsider the vote. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to amend the original motion to include the requirement that Frank Sandigo, R.R.T.'s licensure is contingent upon his successful completion of the six-month anger management course, as required by the state of Hawaii, Family Court of the First Circuit in its Judgment of Conviction and Sentence dated April 15, 2002, within the 2003 calendar year. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Open Session

13 (s) Shawn Larson, M.D. - Acceptance of Application for Limited Licensure

Dr. Baepler questioned Shawn Larson, M.D., who appeared before the board to respond to his affirmative answers to questions #19, 31 and 33 on his application for licensure.

Dr. Baepler gave a brief history of Dr. Larson's two prior appearances before the board for acceptance of his application for limited licensure to participate in the Psychiatry Residency Program at the University of Nevada School of Medicine. He advised that there currently is an opening for Dr. Larson in the program, per the appointment letter from Grant D. Miller, M.D., Director of the Department of Psychiatry Residency Program.

Dr. Larsen stated that he looks forward to the opportunity to participate in the Psychiatry Residency Program at the University of Nevada School of Medicine, should the board accept his application for limited licensure.

Dr. Baepler moved to accept Shawn Larson, M.D.'s application for limited licensure to participate in the Psychiatry Residency Program at the University of Nevada School of Medicine, with his licensure contingent upon his continuing to receive psychiatric care. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English reminded Dr. Larson that should he wish to apply for unrestricted medical licensure in Nevada upon completion of his residency program, he will be required to appear before the board for acceptance of his application, and approval of limited licensure does not in any manner mean that the board will approve permanent licensure.

13 (t) Robert Chancellor, M.D. - Request for Licensure Restrictions to be Relaxed or Withdrawn

Dr. Chancellor appeared before the board with his attorney, Mr. Rosenberger.

Mr. Rosenberger requested the board's consideration of relaxing or withdrawing the restrictions placed on Dr. Chancellor's license when the board granted him a restricted license at the March 2, 2002 board meeting. He stated that the restrictions are preventing Dr. Chancellor from gaining employment as an Otolaryngologist. He requested that the board consider allowing Dr. Chancellor to work under the supervision of Rudy Manthei, D.O. He advised that Dr. Manthei is an osteopathic physician practicing in General Practice in Las Vegas.

Dr. Titus asked Dr. Chancellor whether he has received any training in General Practice. Dr. Chancellor advised that he has received no training and has had no direct experience in General Practice, but that he has worked in an emergency room and has passed the SPEX.

Dr. Stewart asked Dr. Chancellor whether he has taken any continuing medical education in General Practice. Dr. Chancellor advised that he has not.

Dr. Hug-English advised Dr. Chancellor that the board understands the difficulty he is experiencing in trying to gain employment; however, the restrictions placed on his licensure when the board granted him a license in March were for reasons determined necessary by the board to protect the public. She added that the board can do nothing further for him at this time.

Dr. Titus moved to deny Robert S. Chancellor, M.D.'s request for his licensure restrictions to be relaxed or withdrawn. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 14
Matters for Future Agenda

There was no discussion under this agenda item.

AGENDA ITEM 15
Public Comment

There was no public comment

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 3:15 p.m.